

security module deactivation in the security procedure disclosed in the Leon et al reference.

This rejection is respectfully traversed for the following reasons.

Applicants respectfully submit that claim 1 includes at least two features that are significantly different from the teachings of the Leon et al reference. A first of these features (the security module multiply interrogating the control unit) is not disclosed at all in the Leon et al reference, and a second of these features (the security module automatically deactivating itself if an incorrect security code or no security code is received upon each interrogation) is incompatible with and inconsistent with the security procedure set forth in the Leon et al reference.

In the detailed substantiation of the rejection of claim 1 in the Office Action, the Examiner cited language at column 6, lines 36-43 of the Leon et al reference as allegedly corresponding to the element of claim 1 stating that the security module, among other things, automatically, multiply interrogates the control unit to require handover of a security mode. The language at column 6, lines 36-43 in the Leon et al reference, however, has nothing to do with interrogation. The language cited by the Examiner merely refers to execution of the security routine, and describes, in general terms, what happens if and when the security routine is executed. As shown in Figure 3 of the Leon et al reference, however, initiation of the security routine is the *last step* in the overall procedure. This step 324 shown in Figure 3 is preceded by all of the steps 310 through 322, and the security routine is initiated only if a "yes" result occurs in any of steps 310, 320 or 322. Therefore, the security routine itself has nothing whatsoever to do with the receipt of information from the postage meter that is being protected. All of the steps relating to such receipt of information

*precede* step 324. Therefore, the language cited by the Examiner at column 6, lines 36-43 in the Leon et al reference has nothing whatsoever to do with any of the steps that precede the security routine 324.

Moreover, even in these preceding steps there is no interrogation of the meter, or any other component, by a security module. As the term "interrogation" is commonly used in the field of computer technology and data processing, it means that a query is emitted from one component to another, and the queried component then sends an answer back to the interrogating component. Exactly the opposite takes place in the Leon et al reference, as summarized at column 6, lines 44-50. As stated in that passage, one event that can trigger execution of the security routine is a failure to periodically *receive* an authorization signal from the meter 110. This is consistent with the more detailed description set forth in column 5, lines 1-23. In the Leon et al system, the security module merely passively waits for an authorization signal to arrive within a certain time duration, that is set by the timer. If the authorization signal does not arrive within that time, the security routine is initiated. The security module does not interrogate any unit, it simply waits for a signal to arrive from the meter.

The Leon et al reference therefore does not disclose the claim element of claim 1 of the present application of the security module interrogating the control unit, and in fact the Leon et al system operates in an opposite manner. More importantly, however, as noted above, if a failure to receive the authorization signal within the specified time occurs (or some other event occurs, such as tampering) the security module then initiates the security routine. This security routine, as set forth in the passage cited by the Examiner at column 6, lines 36-43 includes inhibition by

the security module of certain routines in the meter, while still allowing other actions within the meter to proceed. This is incompatible and inconsistent with the security module deactivating itself. Obviously, the security module must still be operational in order for the security module to execute the security routine. The security routine is an active routine, which actively inhibits certain functions of the postage meter while still permitting others to proceed. Such inhibition combined with allowing other actions to proceed could not take place if the security module were deactivated, as required in claim 1. It is essential for the security module to remain operational in the Leon et al reference in order for the security routine 324 to be initiated and executed. If, upon the occurrence of any of the events preceding step 324 in Figure 3 of the Leon et al reference, the security module became deactivated, this would destroy the intended operation of the Leon et al reference, because such a deactivated security module then could not initiate the security routine 324. Therefore, regardless of whether the Examiner is correct in taking the aforementioned Official Notice, the type of operation described by the Examiner in connection with the Official Notice is incompatible with and inconsistent with the intended manner of operation of the Leon et al reference. Modifying a reference in a manner which destroys its intended operation is not a permissible basis for substantiating a rejection under 35 U.S.C. §103(a). In fact, in the present context the incompatibility of deactivating the security module, with regard to the intended manner of operation of the Leon et al system, is evidence of non-obviousness rather than obviousness. Clearly, the Leon et al reference is evidence of conventional thinking of those of ordinary skill in the art that the security module should *not* be deactivated in the event that certain security-related events occur.

Contrary to the Examiner's assertion that modifying the Leon et al reference in view of the Official Notice would "create a more secure system," such a modification would preclude the ability of the Leon et al system to implement any security routine whatsoever, and thus would actually create a less secure system.

For the foregoing reasons (no interrogation, no deactivation of the security module), Applicants respectfully submit that claim 1 of the present application would not have been obvious to a person of ordinary skill in the art based on the teachings of Leon et al with or without the Official Notice also cited by the Examiner.

Claims 2-8 add further structure to the non-obvious combination of independent claim 1, and are patentable over the teachings of Leon et al and the Official Notice for the same reasons discussed above in connection with claim 1.

Independent claim 9 includes the same limitations discussed above in connection with claim 1, and therefore would not have been obvious to a person of ordinary skill in the art based on the teachings of Leon et al and the Official Notice, for the same reasons as claim 1.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

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